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FISHER, PAUL R	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/684,788	**Applicant(s)** RONNING ET AL.	
	Examiner PAUL R. FISHER	**Art Unit** 4127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *10/14/2003 and 10/27/2004*.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is a first Office Action Non-Final rejection on the merits. Claims 1-42, as originally filed, are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 31 recites the limitation "the driving profile" in line 1. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 34 recites the limitation "the display" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-6, 8-20, and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by David Thompson “Up Your Cranking Amps" (Jan. 7, 2000) hereafter Thompson**.

As per claim 1, Thompson discloses a method of selecting a battery for a vehicle (Page 2, paragraph 3; discloses going to a retailer to purchase a battery the retailer takes information relating to the vehicle and the use of the battery and enters that information into a computer which returns several possible choices) comprising:

identifying a plurality of batteries (Page 2, paragraph 3; discloses that there are at least two batteries being sold one for $89.99 and another for $29.99);

obtaining ratings for a plurality of characteristics for each of the plurality of batteries (Page 1, paragraph 3; discloses that there are different ratings for batteries based on different characteristics such as cold cranking amps and the planned application of the battery, it also states that different cars require different characteristics);

obtaining information relating to the usage of the vehicle (Page 2, paragraph 3; discloses that upon inquiring about the purchase of a new battery the retailer would ask the consumer about the intended vehicle thus obtaining the information relating to the usage of that vehicle);

and identifying a battery for user with the vehicle based on the ratings and the information relating to the usage of the vehicle (Page 2, paragraph 3; discloses that after entering the information regarding the vehicle the user is supplied with a list of choices which in this case had a recommended battery that was priced at $89.99 and the consumer preferred a battery with a lower price that was still suitable for their desired application).

As per claim 2, Thompson discloses wherein the step of identifying a plurality of batteries utilizes information obtained regarding at least one of the make, model, and year of manufacture of the vehicle (Page 2, paragraph 2; discloses that while looking up which battery to select the consumer used the information regarding the make of car they owned, Page 2, paragraph 3; discloses that the retailer enters information regarding the consumers vehicle which inherently is the make, model and year of manufacture of the vehicle this information is used to determine the size of the battery, what the required cold cranking amps are and also the voltage).

As per claim 3, Thompson discloses wherein the step of obtaining ratings for a plurality of characteristics includes utilizing at least one of a lookup table and a database (Page 2, paragraph 2; discloses the consumer looking up information in a manual which is construed by the examiner to be a lookup table and that this table holds various information including the cold cranking amps that are produced by each battery, Page 2, paragraph 3; discloses that the retailer is using a database stored on a computer to look up information regarding the purchase of a new battery).

As per claim 4, Thompson discloses wherein the plurality of characteristics includes at least one of cold cranking capability, heat resistance, reserve capacity, vibration resistance, and cycle capability (Page 2, paragraph 2; discloses that the manual lists the appropriate battery for the vehicle in question and lists the cold cranking capability of the battery listed).

As per claim 5, Thompson discloses wherein the plurality of characteristics include at least one of an economic characteristic and a warranty characteristic (Page 2, paragraph 3; discloses that there is listed different prices for different batteries which is the economic characteristic, Page 2 paragraph 1; discloses that the warranty information on batteries is a common and used in determining which batteries can be relied upon).

As per claim 6, Thompson discloses wherein the step of obtaining information relating to the usage of a vehicle comprises obtaining information related to at least one of location of vehicle use, the amount of vehicle use, the environment in which the vehicle will be used, and the use of accessories with the vehicle (Page 1, paragraph 4; discloses that where the consumer lives and how many miles they have on that battery are taken into consideration for how long the battery will last, Page 2, paragraph 1; discloses that when purchasing a new battery it is best to take into consideration how long you plan on having the car and choose how much you wish to spend based on that information).

As per claim 8, Thompson discloses obtaining information relating to at least one of the desired cost of the battery and the desired warranty of the battery, wherein the step of identifying a battery for use with the vehicle comprises utilizing the information relating to at least one of the desired cost of the battery and the desired warranty of the battery (Page 2, paragraph 3; discloses after entering the vehicle information the user is provided a list of batteries which include the pricing of each battery, Page 2, paragraph 1; discloses warranty information being a common factor when choosing a battery and that the customer should base their selection in some part on this information).

As per claim 9, Thompson discloses wherein the step of identifying a battery for use with the vehicle comprises providing at least one weighting factor based on the information relating to the usage of the vehicle (Page 1, paragraph 4; discloses that the manufacturer weighs many factors when warranting the battery some of which include the application that the battery will be expected to perform. It also discloses that the expected life of the battery is also determined by how and where the product is used, stating that if the battery is used in the south where it is warmer or there are very few miles driven the battery life will extend further then what the manufacturer projected and that these things should be considered when purchasing a battery).

As per claim 10, Thompson discloses wherein the step of identifying a battery for use with the vehicle comprises applying the at least one weighting factor to at least one of the ratings (Page 2, paragraph 1; discloses that each battery is rated with cold cranking amps and that is the weighted factor that is most important and should be considered the most).

As per claim 11, Thompson discloses wherein the step of applying the at least one weighting factor comprises multiplying at least one of the ratings by the at least one weighting factor to provide weighted ratings for the plurality of characteristics (Page 2, paragraph 1; discloses that each battery is rated by cold cranking amps as well as warranty information, the higher the warranty and the higher the cold cranking amps the higher ranked the battery is and the more it will cost. It further discloses that while the battery costs more it is not necessarily the best buy. If the consumer multiplies the cold cranking amps by a factor that equates to 10-500 cold cranking amps and further takes into consideration how long they will likely be driving the car and add 12 months to that date to determine the extent of warranty coverage they will need, the consumer will have a conservative and better buy).

As per claim 12, Thompson discloses wherein the step of identifying a battery for use with the vehicle comprises summing the weighted ratings for each of the plurality of characteristics for each of the plurality of batteries (Page 2, paragraph 1; discloses that each battery is rated by cold cranking amps as well as warranty information, the higher the warranty and the higher the cold cranking amps the higher ranked the battery is and the more it will cost. It further discloses that while the battery cost more it is not necessarily the best buy. If the consumer multiplies the cold cranking amps by a factor that equates to 10-500 cold cranking amps and further takes into consideration how long they will likely be driving the car and add 12 months to that date to determine the extent of warranty coverage they will need, the consumer will have a conservative and better buy. Page 2, paragraph 3; discloses that after entering the user vehicle and other information the user is provided with a ranked list from the sum of all the weighted characteristics. The computer first recommends a battery with a high price tag which denotes that it has a higher warranty and possibly more cold cranking amps then the user desired, the user then picks a battery for much less money, that they deem based on their desires to be perfectly suitable).

As per claim 13, Thompson discloses wherein the step of identifying a battery for use with the vehicle comprises ranking the plurality of batteries based on the sum of the weighted ratings for each of the plurality of batteries (Page 2, paragraph 1; discloses that each battery is rated by cold cranking amps as well as warranty information, the higher the warranty and the higher the cold cranking amps the higher ranked the battery is and the more it will cost. It further discloses that while the battery cost more it is not necessarily the best buy. If the consumer multiplies the cold cranking amps by a factor that equates to 10-500 cold cranking amps and further takes into consideration how long they will likely be driving the car and add 12 months to that date to determine the extent of warranty coverage they will need, the consumer will have a conservative and better buy. Page 2, paragraph 3; discloses that after entering the user vehicle and other information the user is provided with a ranked list from the sum of all the weighted characteristics. The computer first recommends a battery with a high price tag which denotes that it has a higher warranty and possibly more cold cranking amps then the user desired, the user then picks a battery for much less money, that they deem based on their desires to be perfectly suitable).

As per claim 14, Thompson discloses a method of identifying an optimal battery for an application (Page 2, paragraph 3; discloses a method for identifying an optimal battery where the user enters vehicle information into the system and a ranked list is returned and the optimal battery is picked based on price, warranty, and cold cranking amps) comprising:

identifying a plurality of batteries for use in the application (Page 1, paragraph 5; discloses that there are a plurality of batteries to choose from including but not limited to DieHard and Exide);

obtaining ratings for a plurality of characteristics for each of the plurality of batteries (Page 2, paragraph 1; discloses that batteries can be characterized by the length of the warranty and the cold cranking amps and each battery is rated as such);

obtaining information relating to usage characteristics for each of the plurality of batteries (Page 1, paragraph 3; discloses that each battery is designed with intended applications and this information is necessary in determining the right battery because some batteries are intended for smaller cars and others for larger cars. Page 2, paragraphs 2 and 3; disclose that when looking for a battery it is important to obtain information regarding the vehicle in order to get a proper fit as well as having enough cold cranking amps to get the car going);

weighting a plurality of the ratings based on the information relating to usage characteristics of the application (Page 2, paragraph 1; discloses that some of the factors to consider when purchasing a battery is warranty length and cold cranking amps, it states that the consumer should select a battery that has the correct amount of cold cranking amps or possibly more. The consumer should also base their selection on the length of the warranty of the battery, in relation to the length of time they plan on driving the vehicle. Of these two the cold cranking amps gets a higher priority due to the performance factors involved and the consumer is urged to get a battery with a conservative amount of extra cold cranking amps);

utilizing the weighted ratings to identify an optimal battery for the application (Page 2, paragraph 3; discloses that the user enters the information regarding the vehicle and a ranked list appears, the computer recommends a battery based on what it feels is the best choice, the consumer then selects a cheaper battery that they feel is perfectly suitable battery or the optimal battery for their intended use).

As per claim 15, Thompson discloses wherein the application comprises a vehicle (Page 2, paragraph 3; discloses that the user enters information regarding a vehicle to select the battery for that vehicle).

As per claim 16, Thompson discloses wherein the step of identifying a plurality of batteries utilizes information obtained regarding at least one of the make, model, and year of the vehicle (Page 2, paragraph 2; discloses that while looking up which battery to select the consumer used the information regarding the make of car they owned, Page 2, paragraph 3; discloses that the retailer enters information regarding the consumers vehicle which inherently is the make, model and year of manufacture of the vehicle this information is used to determine the size of the battery, what the required cold cranking amps are and also the voltage).

As per claim 17, Thompson discloses wherein the step of obtaining ratings for a plurality of characteristics includes utilizing at least one of a lookup table and a database (Page 2, paragraph 2; discloses the consumer looking up information in a manual which is construed by the examiner to be a lookup table and that this table holds various information including the cold cranking amps that are produced by each battery, Page 2, paragraph 3; discloses that the retailer is using a database stored on a computer to look up information regarding the purchase of a new battery).

As per claim 18, Thompson discloses wherein the plurality of characteristics includes at least one of cold cranking capability, heat resistance, reserve capacity, vibration resistance, and cycle capability (Page 2, paragraph 2; discloses that the manual lists the appropriate battery for the vehicle in question and lists the cold cranking capability of the battery listed).

As per claim 19, Thompson discloses wherein the plurality of characteristics include at least one of an economic characteristic and a warranty characteristic (Page 2, paragraph 3; discloses that there is listed different prices for different batteries which is the economic characteristic, Page 2, paragraph 1; discloses that the warranty information on batteries is a common and used in determining which batteries can be relied upon).

As per claim 20, Thompson discloses wherein the step of obtaining information relating to the usage of a vehicle comprises obtaining information related to at least one of location of use, the amount of use, the environment in which the use will occur, and the use of accessories with the application (Page 1, paragraph 4; discloses that where the consumer lives and how many miles they have on that battery are taken into consideration for how long the battery will last, Page 2, paragraph 1; discloses that when purchasing a new battery it is best to take into consideration how long you plan on having the car and choose how much you wish to spend based on that information).

As per claim 22, Thompson discloses wherein the step of weighting a plurality of the ratings comprises providing a weighting factor based on at least part of the information relating to usage characteristics (Page 1, paragraph 4; discloses that the manufacturer weighs many factors when warranting the battery some of which include the application that the battery will be expected to perform. It also discloses that the expected life of the battery is also determined by how and where the product is used, stating that if the battery is used in the south where it is warmer or there are very few miles driven the battery life will extend further then what the manufacturer projected and that these things should be considered when purchasing a battery).

As per claim 23, Thompson discloses wherein the step of weighting a plurality of the ratings comprises applying at least one weighting factor to a rating to provide a weighted rating (Page 2, paragraph 1; discloses that each battery is rated with cold cranking amps and that is the weighted factor that is most important and should be considered the most, from this it shown that when buying a battery the consumer would weight the rated value of the cold cranking amps of the battery higher then any other characteristic because with out a particular rating the vehicle will not perform correctly).

As per claim 24, Thompson discloses wherein the step of utilizing the weighted ratings to identify an optimal battery comprises totaling the weighted ratings for the plurality of characteristics for each of the plurality of batteries (Page 2, paragraph 1; discloses that each battery is rated by cold cranking amps as well as warranty information, the higher the warranty and the higher the cold cranking amps the higher ranked the battery is and the more it will cost. It further discloses that while the battery cost more it is not necessarily the best buy. If the consumer multiplies the cold cranking amps by a factor that equates to 10-500 cold cranking amps and further takes into consideration how long they will likely be driving the car and add 12 months to that date to determine the extent of warranty coverage they will need, the consumer will have a conservative and better buy. Page 2, paragraph 3; discloses that after entering the user vehicle and other information the user is provided with a ranked list from the sum of all the weighted characteristics. The computer first recommends a battery with a high price tag which denotes that it has a higher warranty and possibly more cold cranking amps then the user desired, the user then picks a battery for much less money, that they deem based on their desires to be perfectly suitable and the optimal battery for their application).

As per claim 25, Thompson discloses presenting at least one of pricing information, coupon information, sales promotion information, promotional information, information relating to associated products, warranty information, and order information (Page 2, paragraph 3; discloses after entering the vehicle information the user is provided a list of batteries which include the pricing of each battery, Page 2, paragraph 1; discloses warranty information being a common factor when choosing a battery and that the customer should base their selection in some part on this information).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. **Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson, in view of Examiner's Official Notice**.

As per claim 7, Thompson discloses the above-enclosed invention, and further discloses wherein the step of obtaining information relating to the usage of a vehicle comprises obtaining information relating to the amount of time the vehicle will be owned (Page 2, paragraph 1; discloses that the consumer should take into consideration how long they plan on using the car and buy a battery with a warranty that does not exceed 12 months from the date they feel the will no longer use the car).

Thompson however fails to disclose wherein the step of obtaining information relating to the usage of a vehicle comprises obtaining information relating to maintenance of the battery.

Examiner is taking Official Notice that it was old and well known by someone of ordinary skill in the art at the time of the invention to know what type of maintenance need be done to a battery and to include that information at the time of purchase.

From this teaching of Examiner's Official Notice, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of selecting the optimal battery for a vehicle provided by Thompson with the use of maintenance information to help select the battery taught by Official Notice, for the purpose of aiding the customer in the purchase of their new battery as some batteries require the addition of water, while others do not. From this it can be shown that a customer might wish to select a battery where they would not have to add any additional water, while others may not mind adding water if it aids them in reducing the price of the battery.

As per claim 21, Thompson discloses the above-enclosed invention, however fails to disclose wherein the step of obtaining information relating to the usage of a characteristics of the application comprises obtaining information relating to maintenance of the battery.

Examiner is taking Official Notice that it was old and well known by someone of ordinary skill in the art at the time of the invention to know what type of maintenance need be done to a battery and to include that information at the time of purchase.

From this teaching of Examiner's Official Notice, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of selecting the optimal battery for a vehicle provided by Thompson with the use of maintenance information to help select the battery taught by Official Notice, for the purpose of aiding the customer in the purchase of their new battery as some batteries require the addition of water, while others do not. From this it can be shown that a customer might wish to select a battery where they would not have to add any additional water, while others may not mind adding water if it aids them in reducing the price of the battery.

9. **Claims 26-28, and 30-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson, in view of Dworkin (4,992,940)**.

As per claim 26, Thompson discloses a system for selecting a battery (Page 2, paragraph 3; discloses a system for identifying an optimal battery where the user enters vehicle information into the system and a ranked list is returned and the optimal battery is picked based on price, warranty, and cold cranking amps) comprising:

a user interface for facilitating input of information relating to a type of vehicle (Page 2, paragraph 3; discloses a retailer that enters the information regarding the customers vehicle into the computer);

and an electronic system for identifying a plurality of batteries for use with the vehicle, and identifying one of the plurality of batteries as most appropriate based on the ratings and the information related to the use of the vehicle (Page 2, paragraph 3; discloses that after the retailer enters the information regarding the customers vehicle a full screen of alternatives is listed ranked by the computer).

Thompson fails to disclose the electronic device questioning the user about the use of the vehicle and where the electronic device obtains ratings of a plurality of characteristics for the plurality of batteries.

Dworkin, which talks about a system and method for automated selection of equipment for purchase through input of user desired specifications, teaches where in the electronic system could store information regarding the use of the vehicle and obtain ratings of a plurality of characteristics for the plurality of products (Col 1, lines 8-10; teaches that the system is intended to automate the selection of products based on user supplied information, Figure 5; teaches a typical template set up to query the user about specific information regarding the product they wish to purchase. Col 10, lines 46-53; teaches that the database that holds all of the product information would have to be updated when changes are made to the various products for example when the new line of cars comes out the database would have to be updated to include the new vehicles).

From this teaching of Dworkin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of selecting an optimal battery provided by Thompson, with the automation of selecting products taught by Dworkin, so that the process could be made faster and the user would have an easier time selecting the exact product they desire.

As per claim 27, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson further discloses wherein the information relating to a type of vehicle comprises at least one of make, model, and year of a vehicle (Page 2, paragraph 2; discloses that while looking up which battery to select the consumer used the information regarding the make of car they owned, Page 2, paragraph 3; discloses that the retailer enters information regarding the consumers vehicle which inherently is the make, model and year of manufacture of the vehicle this information is used to determine the size of the battery, what the required cold cranking amps are and also the voltage).

As per claim 28, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson further discloses wherein the information relating to the use of the vehicles comprises at least one of the mileage of the vehicle and the location in which the vehicle is intended to be used (Page 1, paragraph 4; discloses that when choosing a battery the consumer should take inconsideration how many miles they plan on traveling and the location of where the vehicle will be driven as these characteristics can play a role in determining how long the battery will last).

As per claim 30, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson fails to disclose wherein the information relating to the use of the vehicle comprises a driving profile for the vehicle.

Dworkin, which talks about a system and method for automated selection of equipment for purchase through input of user desired specifications, teaches wherein information that is input into the system is used to create a profile (Figure 5, teaches that there is a template of information which the examiner construes to be the profile for the search for the products. With this template the database can be searched to find a list of results based on the user supplied information).

From this teaching of Dworkin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of selecting an optimal battery provided by Thompson, with the automation of selecting products taught by Dworkin, so that the process could be made faster and the user would have an easier time selecting the exact product they desire.

As per claim 31, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson further discloses wherein the driving profile comprises at least one of the amount of miles to be accumulated in a defined period, an environment in which the vehicle is intended to be used, and the weather in the location where the vehicle is intended to be used (Page 1, paragraph 3; discloses there are many factors that can contribute to the life of your battery, one being where it is located the example given is if you live in the south they battery would not have to work as hard and thus last longer this location is what the examiner is construing to be equivalent to the weather and environment. Another factor when considering the life of your battery is the number of miles drive the less miles the longer the battery is likely to last, this measure of mileage shows that the system does take into account for the mileage on a vehicle during a defined period).

As per claim 32, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson further discloses wherein the plurality of characteristics comprise at least one of a cold cranking capability, a heat resistance, a reserve capacity, a vibration resistance, and a cycling capability of the battery (Page 2, paragraph 2; discloses that the manual lists the appropriate battery for the vehicle in question and lists the cold cranking capability of the battery listed).

As per claim 33, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson further discloses comprising a display for presenting information to a user of the system (Page 2, paragraph 3; discloses that upon entering the vehicle information the user is shown a full screen of alternatives, showing that there is a display for presenting information to the user).

As per claim 34, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson fails to disclose wherein the display presents questions to the user that are configured to elicit information relating to the use of the vehicle.

Dworkin, which talks about a system and method for automated selection of equipment for purchase through input of user desired specifications, teaches wherein the display presents questions to the user that are configured to elicit information relating to the use of the product (Figure 5; teaches that the template is set up to ask the use various questions in relation to the product they wish to purchase, Col. 5, 43-50; teaches that the templates are used to gather information and the term template is analogous with questionnaire which is then used to limit the search for the product).

From this teaching of Dworkin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of selecting an optimal battery provided by Thompson, with the automation of selecting products taught by Dworkin, so that the process could be made faster and the user would have an easier time selecting the exact product they desire.

As per claim 35, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson further discloses wherein the electronic system comprises a computing device (Page 2, paragraph 3; discloses that all the information is stored in a computer which is a computing device).

As per claim 36, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson further discloses providing weighting factors for at least a plurality of the ratings (Page 2, paragraph 1; discloses that each battery is rated with cold cranking amps and that is the weighted factor that is most important and should be considered the most, from this it shown that when buying a battery the consumer would weight the rated value of the cold cranking amps of the battery higher then any other characteristic because with out a particular rating the vehicle will not perform correctly).

Thompson fails to disclose an analysis module to search for the best results based on the users selection.

Dworkin, which talks about a system and method for automated selection of equipment for purchase through input of user desired specifications, teaches an analysis module configured to provide weighting factors for at least a plurality of the ratings (Col. 6, lines 1-10; teaches that the user doesn't have to fill in all of the information the computer will search for the items the user denoted as most important and return those as the minimal requirements so anything exceeding that value will be displayed as well, by leaving out part of the information the user is denoting that the values entered have a greater weight then the values omitted).

From this teaching of Dworkin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of selecting an optimal battery provided by Thompson, with the automation of selecting products taught by Dworkin, so that the process could be made faster and the user would have an easier time selecting the exact product they desire.

As per claim 37, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson further discloses applying weighting factors for at least a plurality of the ratings (Page 2, paragraph 1; discloses that each battery is rated with cold cranking amps and that is the weighted factor that is most important and should be considered the most, from this it shown that when buying a battery the consumer would weight the rated value of the cold cranking amps of the battery higher then any other characteristic because with out a particular rating the vehicle will not perform correctly).

Thompson fails to disclose an analysis module to search for the best results based on the user's selection.

Dworkin, which talks about a system and method for automated selection of equipment for purchase through input of user desired specifications, teaches an analysis module configured to provide weighting factors for at least a plurality of the ratings (Col. 6, lines 1-10; teaches that the user doesn't have to fill in all of the information the computer will search for the items the user denoted as most important and return those as the minimal requirements so anything exceeding that value will be displayed as well, by leaving out part of the information the user is denoting that the values entered have a greater weight then the values omitted).

From this teaching of Dworkin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of selecting an optimal battery provided by Thompson, with the automation of selecting products taught by Dworkin, so that the process could be made faster and the user would have an easier time selecting the exact product they desire.

As per claim 38, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson further discloses wherein the system is implemented in a retail environment (Page 2, paragraph 3; discloses the interaction taking place in a retail environment where the retailer looks up the information for the customer).

As per claim 39, the combination of Thompson and Dworkin teaches the above-enclosed invention; Thompson fails to disclose wherein the system utilizes a network to obtain the ratings.

Dworkin, which talks about a system and method for automated selection of equipment for purchase through input of user desired specifications, teaches wherein the system utilizes a network to obtain the information (Figure 1; teaches that there is a database that stores all of the information that is connected to a CPU and a terminal that database can be updated across the network by the vendors and administrator as shown in Col. 10, lines 46-53, from this it is shown that the system utilizes a network to obtain and maintain its information).

From this teaching of Dworkin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of selecting an optimal battery provided by Thompson, with the automation of selecting products and the updating of those products via a network taught by Dworkin, so that the process could be made faster and the user would have an easier time selecting the exact product they desire. By having the information available across a network means that the information could be shared easily and updated from remote locations.

As per claim 40, the combination of Thompson and Dworkin teaches the above-enclosed invention; Thompson fails to disclose wherein the system is accessible over a computer network.

Dworkin, which talks about a system and method for automated selection of equipment for purchase through input of user desired specifications, teaches wherein the system is accessible over a computer network (Col. 4, lines 3-12; teaches that terminals are connected to a central computer via various means, all of these terminals are able to access the system, from this it is shown that the system is accessible over a computer network).

From this teaching of Dworkin, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of selecting an optimal battery provided by Thompson, with the automation of selecting products and the accessing of those products via a network taught by Dworkin, so that the process could be made faster and the user would have an easier time selecting the exact product they desire. By having the information available across a network means that the information could be shared easily and updated from remote locations.

As per claim 41, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson further discloses comprising at least one input device for facilitating input of information and selected from a mouse, a roller ball, a touch screen, a keyboard, and a light pen (Page 2, paragraph 3; discloses where the user enters the information using a keyboard and how that keyboard can be used to move from entry to entry in the system).

As per claim 42, the combination of Thompson and Dworkin teaches the above-enclosed invention, Thompson further discloses wherein the user interface is configured to display additional information relating to at least one of sales promotions, pricing, warranty, associated products, product ordering, product availability, and coupons (Page 2, paragraph 3; discloses that next to the displayed alternatives is their prices the first being $89.99 and the selected battery being $29.99).

10. **Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson, in view of Dworkin (4,992,940), further in view of Examiner's Official Notice**.

As per claim 29, the combination of Thompson and Dworkin teaches the above-enclosed invention, but fails to disclose wherein the information relating to the location in which the vehicle is intended to be used comprises a zip code.

Examiner is taking Official Notice that it was old and well known by someone of ordinary skill in the art at the time of the invention to use a zip code to identify a user's location.

From this teaching of Examiner's Official Notice, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the automated system for selecting a battery taught by the combination of Thompson and Dworkin, with the use of zip codes to determine location taught by Examiner's Official Notice, for the purpose of aiding the user and the system in determining the location of the user's vehicle with out having to provide a whole address. Since zip codes are specific to small areas of land the weather and environment would be similar in all parts of the zip code and no information would be lost by providing only that information to determine the location.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Wruck et al. (US 2002/0026252 A1), which talks about a battery selection system based on the length of life during specific operating conditions, but lacks selecting a battery based on warranty, maintenance, or price information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097. The examiner can normally be reached on Mon/Fri [7:30am/5pm] with first Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/
Primary Examiner, Art Unit 3627

January 4, 2008

PRF